IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI

THE ACTING CHIEF JUSTICE

and
THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION No. 7805 of 2005

Between:

Sri K.Ravindranatha Reddy, s/o Narayana Reddy,
D.No.4/464-3-B5, Vivekananda Nagar, Kadapa.

..... PETITIONER

AND

1. The District Collector, Kadapa.
2. The District Level Committee rep., by its Chairman and Chairman of Zilla Parishad, Kadapa.
3. The Convener, District Level Committee and the District Panchayat Officer, Kadapa.
4. The Commissioner, Panchayat Raj and rural Employment, Near Urdu Lane, Himayathnagar, Hyderabad.
5. T.Venkata Subba Reddy, s/o Pulla Reddy,
Ramanapalle Village, Chennur Mandal, Kadapa District.
6. A.Ramachandra Reddy,
Door no.3/578 Rajareddi Street, Kadapa Town.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus declaring the action of the first respondent in issuing proceedings in ROC No.131/2005-A4 dated 21-2-2005 in confirming the orders of sand quarrying lease in respect of Ramanapalle of Chennur Mandal and Takkolu of

Sidhout Mandal of Kadapa District in favour of respondents 5 and 6 as illegal, improper, unjust, arbitrary and further direct the first respondent to cancel the sand quarry lease confirmation orders issued in Roc.No.131/2005-A4 dated 21-2-2005 in respect of Ramanapalle of Chennur Mandal and Takkolu of Sidhout Mandal of Kadapa District since the leases are contrary to the proceedings of the first respondent dated 29-3-2004.

Counsel for the Petitioner: Mr.P.Gangaiah Naidu,

Sr.Advocate

for Mr.K.Mahadeva.

Counsel for Respondent Nos.1,3 &4: G.P. for Panchayat

Raj & Rural Development.

Counsel for Respsondent No.2: Mr.D.Srinivas

Counsel for Respondent Nos. 5 &6: Mr.D.Prakash Reddy

The Court made the following :

ORAL ORDER:

(per Honourable Sri Bilal Nazki, the Acting Chief Justice)

Heard learned counsel for parties.

The grievance of the writ petitioner was that permission was being granted by the respondents for quarrying of the sand, which was detrimental to the interests of the people at large because it reduces quantity of water, which could be available to the people, particularly, in summer months.

Learned counsel for Respondent Nos. 5 & 6 submits that the areas, which the respondents 5 & 6 are supposed to use for sand quarries are not the areas, which would have effect on availability of the water.

Learned Senior Counsel appearing for the petitioner submits that an Expert

Committee was formed, which gave its report on 24.3.2004 and this report envisaged as under:

> " It is to be noted that excavation of one lakh cubic meters of sand will lead to deficit in storage of 1,500 cubic meters of water in the sand zone. Since the Kadapa town is going to face acute drinking water scarcity in every summer there is a need to impose permanent ban on sand mining up to 3.5 km. Upstream side of 'Gandi Water works as well as 3.0 K.M. downstream of Lingampalli water works and the area in between these two Head Water Works, in view of hug quantity of drinking water requirement to Kadapa town as well as Chinnachowk Gram Panchayat."

Therefore, a consequential order was passed by the Collector.

We believe that the report of the Committee suggests that there should be a ban on sand mining up to 3.5 K.M. upstream side of Gandi Water Works as well as 3.0 K.M. downstream of Lingampalli Water Works. We accordingly modify the order of stay granted by this Court on 11.4.2005 to the extent that stay shall operate for the areas mentioned by the Committee in its report on 24.3.2004. With these observations, the Writ Petition is disposed of. No costs.

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BILAL NAZKI, ACJ.

29.4.2005.

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Dr. G.YETHIRAJULU, J.

VR.

Note:

Communicate operative portion

by wire at party's cost.

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To

1. The District Collector, Kadapa.
2. The Chairman, District Level Committee and the Chairman of Zilla Parishad, Kadapa.
3. The Convener, District Level Committee and the District Panchayat Officer, Kadapa.
4. The Commissioner, Panchayat Raj and rural Employment, Near Urdu Lane, Himayathnagar, Hyderabad.
5. Two CCS to Government Pleader for Panchayat Raj & Rural Development, High Court Buildings, Hyderabad (OUT).

6) 2 CD copies

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